

jc772 U.S. PTO
02/06/01

THE UNITED STATES PATENT AND TRADEMARK
OFFICE
REQUEST FOR FILING
(RULE 53(b)(1))

1/AA

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U.S. PTO
02/06/01
776768

For Design or Utility Applications

Rule 53(b)(1) PATENT APPLICATION:

(DO NOT USE FOR FILING)

- ☒ Continuation)
application under 37 CFR 1.53(b)(1)
☐ Divisional)
application under 37 CFR 1.53(b)(1)
of pending prior application of

Group Art Unit: 1656

Examiner: S. Houtteman

inventor(s): FODOR et al.

Parent Appln. No.: 09 543,789
Series Code ↑ Serial No. ↑

Atty. Dkt. PM 0266873 1004.1E
New M# Client Ref

Parent Filed: April 6, 2000

This Appln. Filed: February 6, 2001

Title: IDENTIFYING A BASE IN A NUCLEIC ACID (AS AMENDED)

Hon. Commissioner of Patents
Washington, DC 20231

Date: February 6, 2001
(Parent Matter No. 0268401)

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

- ☒ Abstract
☒ Specification and claims (30 pages) (**must be attached**)
☒ Drawings (**must be attached if originally filed**): 17 sheet(s)/set: ☒ 1 set informal;
☒ Formal of size ☒ A4 ☐ 11"

1A. Always X one box, only:

- (1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached
(2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S)**):

1. _____
3. _____
5. _____
7. _____

2. _____
4. _____
6. _____
8. _____

2.5. THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. Stephen P.A. FODOR
3. Xianohua HUANG
5. _____
7. _____

2. Robert LIPSHUTZ
4. _____
6. _____
8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)

| | <u>Application No.</u> | <u>Filing Date</u> | | <u>Application No.</u> | <u>Filing Date</u> |
|-----|------------------------|--------------------|-----|------------------------|--------------------|
| (1) | _____ | _____ | (2) | _____ | _____ |
| (3) | _____ | _____ | (4) | _____ | _____ |
| (5) | _____ | _____ | (6) | _____ | _____ |

a. ☐ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in _____
U.S. Application No. _____ / _____, filed on _____
series code \uparrow serial no. _____

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

4. (a) ☐ Domestic priority is claimed from _____ / _____, filed _____
PCT/ _____

(b) ☐ Benefit is claimed of Provisional Application No. 60/____, filed ____.

5. ☒ Prior application is assigned to Affymetrix, Inc.

by assignment recorded July 20, 2000 Reel 010980 Frame 0877.
(Date)

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 2 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Paul N. Kokulis, Reg. No. 16,773 (see attached Appointment of Associate Power of Attorney)

(Name and Reg. No.)

whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Gary R. Tanigawa, Reg. No. 43,180

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group
of Pillsbury Winthrop LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W.,
Washington, D.C. 20005-3918**

9. ☒ **Amend the specification** by inserting before the first line the sentence: This is a
☒ continuation ☐ division of Application No. 09/543,789, filed April 6, 2000, which is a

series code \uparrow serial no. _____

continuation of 08/877,196, filed June 17, 1997; which is a continuation of U.S. Appln. No. 08/505,919, filed July 24, 1995, abandoned; which is a continuation of U.S. Appln. No. 08/082,937, filed June 25, 1993, abandoned.

9. (a) ☐ **Amend the specification** by inserting before the first line: --This application claims the benefit of Provisional Application No. 60/____, filed ____ --

10. **Small Entity Status** ☒ is Not claimed ☐ is claimed (**pre-filing confirmation required**)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

☐ filed in above prior application
☐ attached.

11. **Petition to extend the life of the above prior application to at least the date hereof**

(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(must be) ☐ was previously filed in that prior application (Check length of prior extension).

(X'd) ☒ is not necessary for copendency (**Double check** before X'ing this box).

12. ☒ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .
13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.
14. ☐ **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do not make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims).

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-

NOTE: If box 1A₂ is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

| | | | | Large/Small Entity | | Fe Code |
|---|----|------------|---|-----------------------|--------------|------------|
| 15. Basic Filing Fee Design Application | | | | \$320/\$160 | | 106/26 |
| 16. Basic Filing Fee Utility Application | | | | \$710/\$355 | +710 | 101/201 |
| 17. Total Effective Claims | 24 | minus 20 = | 4 | x \$18/\$9 | +72 | 103/203 |
| 18. Independent Claims | 4 | minus 3 = | 1 | x \$80/\$40 | +80 | 102/202 |
| 19. If <u>any proper</u> multiple dependent claim (ignore improper) is present, | | | | \$270/\$135 | +0 | 104/204 |
| 20. Subtotal = | | | | | \$862 | |
| 21. If "petition" box 13 above is X'd, add petition fee. \$130 | | | | | +0 | 122 |
| 21A. If box 6 above is X'd, add Assignment recording fee \$ 40 | | | | | +80 | 581 |
| 22. TOTAL FILING FEE ATTACHED = | | | | | \$942 | |

(carry forward to Item 31)

- 22A. ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)
23. ☐ ATTACHED:
24. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.)
25. ☒ The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:
Please replace title of application as it appears throughout the application with "IDENTIFYING A BASE IN A NUCLEIC ACID."

26.

ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25

| | Claims remaining after amendment | Highest number previ usly paid for | Present Extra | Large/Small Entity | Additi nal Fee | File Code |
|-----|---|---|------------------|--------------------|-------------------|-----------|
| 27. | Total Effective Claims * | minus ** 20 | = 0 | x \$18/\$9 = | \$ 0 | (103/203) |
| 28. | Independent Claims * | minus *** 3 | = 0 | x \$80/\$40 = | + 0 | (102/202) |
| 29. | If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application)\$270/\$135 | | | | + 0 | (104/204) |
| 30. | ADDITIONAL FEE | | | | \$ 0 | |
| 31. | plus FEE from item 22 on page 3 | | | | + 942 | |
| 32. | TOTAL FEE ATTACHED | | | | \$ 942 | |

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"
34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space
35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

Our Deposit Account No. 03-3975
Our Order No. 071180 | 0266873
C# M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

1100 New York Avenue, NW
Ninth Floor
Washington, DC 20005-3918
Tel: (202) 861-3000
PNK/nlh
Atty./Sec.

By Atty: Paul N. Kokulis Reg. No. 16773
for
Sig: [Signature] 43180 Fax: (202) 822-0944
Tel: (202) 861-3503

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
If yes, printout Pat-111 and head it in parent.